

### **REMARKS**

In the Office Action of May 29, 2007, the Examiner rejected Claims 18 and 20 under 35 U.S.C. § 112, second paragraph. and further rejected Claims 1, 5, 13, 16-18 and 20-22 under 35 U.S.C. § 102 or 35 U.S.C. § 103 in view of the Ueshima reference (U.S. Patent No. 6,731,731), the Rahman reference (U.S. Patent No. 5,627,355), the Fernandes reference (U.S. Publ. No. 2003/0218066) or some combination thereof. By this paper, the Applicant has amended the claims to address the § 112 issue noted by the Examiner and further to highlight the subject matter that the Applicant believes is allowable over the art of record. Hence, reconsideration of the above-captioned application in light of the amendments and remarks contained herein is now respectfully requested.

In the Office Action the Examiner rejected Claims 18 and 20 under 35 U.S.C. § 112, second paragraph. To address this particular rejection, Claims 18 and 20 have been amended to specify that the signal received from the individual is the same signal in Claim 16.

In the Office Action, the Examiner further rejected the claims as either being anticipated or obvious in view of the Ueshima, Rahman and Fernandes references. By this paper, the Applicant has amended the claims of the application to highlight that the system or method is determining whether to allow alternative access to a secured component in the explicit circumstance when the user does not have their access device. After carefully reviewing Ueshima, Rahman and Fernandes, the Applicant notes that none of these references either by themselves or in combination disclose this concept of allowing such alternative access. Ueshima is substituting a telephone as an access device on a permanent basis. Ueshima is not making any determination as to whether alternative access will be allowed via a personal communications device when the system has been advised that the individual does not have their ordinary access device. Similarly, Rahman is also not making such an alternative access determination and neither is Fernandes. Hence, none of the references cited by the Examiner, either by themselves or in combination, disclose this particular concept.

By this paper the Applicant has further amended Claims 9 and 16 to highlight that the system and method is determining whether alternative access as opposed to primary access with a personal communications device is permitted when an access device is lost. Hence, the Applicant believes that Claims 1, 9, and 16 are allowable over the art for these reasons. The

**Application No.:** 10/648,150  
**Filing Date:** August 25, 2003

Applicant submits that the remaining claims define additional patentable subject matter and are further allowable due to their respective dependencies on Claims 1, 9 and 16. The Applicant therefore believes that the above-captioned application is in condition for allowance and requests the prompt allowance of the same. Should there be any impediment to the prompt allowance of this application that could be resolved by a telephone conference, the Examiner is respectfully requested to call the undersigned at the number shown below.

*No Disclaimers or Disavowals*

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

*Co-Pending Applications of Assignee*

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Serial Number	Title	Filed
10/648,149	METHOD AND SYSTEM FOR SECURE AUTHENTICATION USING MOBILE ELECTRONIC DEVICES	08/25/2003

**Application No.:** 10/648,150  
**Filing Date:** August 25, 2003

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: \_\_\_\_\_

11/28/07

By: \_\_\_\_\_

Michael H. Trenholm  
Registration No. 37,743  
Attorney of Record  
Customer No. 20995  
(951) 781-9231

4585194:lw  
112807